

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the
Southern District of TexasUnited States Courts
Southern District of Texas

FILED

November 04, 2022

Nathan Ochsner, Clerk of Court

United States of America
v.
Jonathan MELENDEZ-Merino
Cristian MENCAS-Padilla
Cesar MONGE-Milla
Oscar MELENDEZ-Sosa

Case No.

4:22-mj-2590

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of November 2, 2022 in the county of Harris in theSouthern District of Texas, the defendant(s) violated:

Code Section

8 United States Code 1324

Offense Description

did knowingly or in a reckless disregard of the fact that an alien had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law.

This criminal complaint is based on these facts:

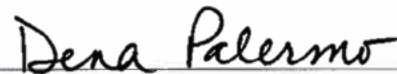
Continued on the attached sheet.

Submitted by reliable electronic means, sworn to,
signature attested telephonically per
Fed.R.Crim.P.4.1, and probable cause found
November 4, 2022.

Complainant's signature

Mitchell Lundquist, Special Agent

Printed name and title



Judge's signature

City and state: Houston, TexasDena H Palermo, United States Magistrate Judge

Printed name and title

AFFIDAVIT

On November 2, 2022, Homeland Security Investigations (HSI) Special Agents (SAs) were notified by Houston Police Department (HPD) (TX) Officers regarding an ongoing human smuggling event that involved two undocumented individuals (UDIs) being shot.

At approximately 12:00 p.m., HPD Officers received a call about two male individuals who entered an IHOP stating they had been shot during a human smuggling event. HPD Officers responded to the IHOP to interview the two male individuals, while HPD Officers in a helicopter conducted surveillance overhead the area. The two male individuals stated they had just escaped from a nearby hotel. The two males who reported the incident were later identified as E.S.A. and W.V.R. W.V.R. was transported to the Memorial Herman Hospital in Katy, TX to be treated for a gunshot wound to his right arm. E.S.A. was transported back to the main scene at the Motel 6. HPD Officers from the helicopter observed a black Chevrolet Camaro and a black Nissan Armada driving erratic in the Motel 6 parking lot next door to the IHOP and observed several individuals inside the vehicles. HPD Officers from the helicopter maintained visual on the two suspicious vehicles until other HPD Officers were able to conduct vehicle stops.

HPD Officers conducted a vehicle stop on the previously mentioned black Nissan Armada at a gas station nearby. HPD Officers detained all 4 occupants inside the vehicle and identified Emerson HERRERA as the driver. Also in the Nissan Armada was Cristian MENCIAS-Padilla, C.V.R., a juvenile, and T.O.H., a juvenile. All 4 occupants were detained and taken back to the main scene at the Motel 6.

HPD Officers conducted a vehicle stop on the previously mentioned black Chevrolet Camaro. HPD Officers detained all 5 occupants inside the vehicle and identified Jonathan MELENDEZ-Merino as the driver. Also in the Chevrolet Camaro were Oscar MELENDEZ-Sosa, Cesar MONGE-Milla, Sergio CORTEZ-Munoz, and Adilson HERNANDEZ-Pineda. All 5 occupants were detained and taken back to the main scene at the Motel 6.

HPD Officers were notified that an individual with a gunshot wound to the leg was also being transported to the Memorial Herman Hospital in Katy, TX. This individual had been picked up from a Valero gas station near Bissonnet Street and Beechnut Street in Houston, TX. HPD Officers identified this individual as B.S.A., the brother of E.S.A., who stated to HPD Officers that he was shot while being smuggled in a vehicle.

Once released from the Hospital B.S.A. and W.V.R. were transported back to the main scene at the Motel 6.

At approximately 5:00 p.m., HSI SAs arrived at the Motel 6 to start an investigation into the human smuggling attempt and conduct preliminary interviews. Based on the information gathered, HSI SAs determined a human smuggling event had occurred and requested HPD Officers to transport all 12 individuals involved to the Montgomery Processing Center in Conroe, TX for further interviews and processing.

HSI SAs Lundquist and Brem advised Jonathan MELENDEZ-Merino of his Miranda Rights to which MELENDEZ-Merino understood and was willing to make a statement without a lawyer present.

MELENDEZ-Merino stated he was recruited by an individual in New Orleans, LA to smuggle UDIs from south of San Antonio, TX to Houston, TX for which he would receive \$1,000 USD per smuggled person. MELENDEZ-Merino stated he left New Orleans, LA on Monday, October 31, 2022, in his black Chevrolet

Camaro and arrived in Houston, TX that night. MELENDEZ-Merino stated he received instructions from individuals via WhatsApp messenger of where to pick up the individuals. MELENDEZ-Merino stated he was sent a location south of San Antonio, TX that took him to an empty road. MELENDEZ-Merino stated he traveled to this pick-up location in his black Chevrolet Camaro to pick up illegals along with his two friends who were traveling in a red Dodge Charger. MELENDEZ-Merino stated the driver of the red Dodge Charger was "Cristian" who was currently wearing a purple sweater, and the passenger was another person currently detained in a jumpsuit that was issued by contractors at the Montgomery Processing Center.

The driver of the red Dodge Charger was later identified as Cristian MENCAS-Padilla, and the passenger was identified as Cesar MONGE-Milla. MELENDEZ-Merino stated that between the two vehicles, they were told to pick up 10 illegals. MELENDEZ-Merino stated once they arrived at the pick-up location, he honked his horn, and 10 individuals appeared from the brushy area nearby and got into the vehicles. MELENDEZ-Merino stated 5 individuals got into his black Chevrolet Camaro, with one being the guide of the group. MELENDEZ-Merino stated the two vehicles then departed together and traveled in tandem back to Houston, TX. MELENDEZ-Merino stated approximately 30 minutes after they departed the pick-up location, they pulled over to let the guide out of the vehicle and then continued to Houston, TX.

MELENDEZ-Merino stated along the way to Houston, TX near Interstate 35 and Interstate 10, occupants inside an Infiniti vehicle started to shoot at the red Dodge Charger. MELENDEZ-Merino stated that after the shooting took place, they traveled to a Motel 6 in Houston, TX where they were supposed to drop off the UDIs. MELENDEZ-Merino stated there were too many people to be at the hotel, so they were instructed to take the UDIs to an empty apartment nearby, to which they arrived around 5:00 a.m. MELENDEZ-Merino stated at approximately 8:00 a.m., they traveled back to the Motel 6 to drop off the UDIs. MELENDEZ-Merino stated that once they were back at the hotel, some of the UDIs were picked up by either family members or other smugglers, that he wasn't sure, but that time was when two of the UDIs escaped from the parking lot. MELENDEZ-Merino stated they then departed the hotel parking lot to go look for the two individuals who escaped but were detained by HPD officers shortly after departing. MELENDEZ-Merino stated he was supposed to be paid once the UDIs were picked up by their family members.

HSI SAs Lundquist and Brem advised Cristian MENCAS-Padilla of his Miranda Rights to which MENCAS-Padilla understood and was willing to make a statement without a lawyer present.

MENCAS-Padilla stated he and Cesar MONGE-Milla left New Orleans, LA in MONGE-Milla's red Dodge Charger on Monday, October 31, 2022, at approximately 10:00 p.m. MENCAS-Padilla stated that he and MONGE-Milla were planning on traveling to pick-up "illegals" and take them to Houston, TX because he needed money for rent. MENCAS-Padilla stated he was not sure how much he was going to make, but he and MONGE-Milla planned on splitting the profits from the human smuggling event. MENCAS-Padilla stated he got a call from an individual of where to pick-up and drop off the illegals via WhatsApp application. MENCAS-Padilla stated he was told to pick-up the illegals near Carrizo (Carrizo Spring, TX) off 57 (US Highway 57.) MENCAS-Padilla stated that after he picked up the individuals from the pick-up location, they were instructed to travel back to an apartment complex in Houston, TX. MENCAS-Padilla stated that at approximately 2:30 a.m., on their way back to Houston, they were shot at by individuals from a truck. MENCAS-Padilla stated he heard about 20 shots, and it sounded like two different guns. MENCAS-Padilla stated after the shooting occurred, they traveled about one mile further when they had to pull over to change a tire that was damaged during the shooting. MENCAS-Padilla that stated after

they changed the tire, they traveled back to Houston. MENCAS-Padilla stated he was supposed to be paid after the individuals were dropped off in Houston.

HSI SAs Lundquist and Brem advised Cesar MONGE-Milla of his Miranda Rights to which MONGE-Milla understood and was willing to make a statement without a lawyer present.

MONGE-Milla stated that he and Cristian MENCAS-Padilla left New Orleans around 6:00 pm. Tuesday, November 1, 2022, to pick up illegals and take them to Houston. MONGE-Milla stated that he is the owner of the red Dodge Charger and MENCAS-Padilla was the one who recruited him for this human smuggling event. MONGE-Milla stated that he was supposed to make \$1,500 USD for his participation in this human smuggling event. MONGE-Milla stated that MENCAS-Padilla was the one in contact with the smugglers in charge of this human smuggling event.

HSI SAs Lundquist and Brem advised Oscar MELENDEZ-Sosa of his Miranda Rights to which MELENDEZ-Sosa understood and was willing to make a statement without a lawyer present.

MELENDEZ-Sosa stated that he and a friend BYRON left New Orleans on Monday, October 31, 2022, around 5:00 p.m. in BYRON'S black Chevrolet Camaro. (Agent's Note: This is a separate black Chevrolet Camaro than the one previously mentioned.) MELENDEZ-Sosa stated that BYRON asked him to go with him to pick up his cousin in Houston. MELENDEZ-Sosa stated once they arrived in Houston, he was recruited by a friend he knows as JUNIOR to pick-up 5 individuals near Carrizo (Carrizo Spring, TX) and bring them back to Houston. MELENDEZ-Sosa stated that he was going to make \$1,000 USD per smuggled person. MELENDEZ-Sosa stated that he left Houston with two other vehicles to pick-up illegals. MELENDEZ-Sosa stated that JUNIOR was in one vehicle and another individual, later identified as T.O.H., was in another vehicle. MELENDEZ-Sosa stated that he traveled to a dirt street surrounded by brush to pick-up illegals, but no one came out to get into his vehicle. MELENDEZ-Sosa stated that he felt like he was being followed so he left the area to wait at a nearby gas station for further instructions. MELENDEZ-Sosa stated that while he was waiting at the gas station, he received a call from his friends stating they had just been shot at. MELENDEZ-Sosa stated after that he heard his friends were shot at, he left the area and headed back to Houston. MELENDEZ-Sosa stated once he got back to Houston, BYRON traveled back to New Orleans in his black Chevrolet Camaro, leaving him in Houston.

E.S.A., a material witness who is a citizen of Honduras, was read his Miranda Rights by HSI SAs Lundquist and Brem. E.S.A. stated that he was willing to make a statement without a lawyer present. E.S.A. stated that he left Honduras on August 7, 2022, and crossed into the United States around Eagle Pass, TX approximately 5-6 days ago. E.S.A. stated that he was going to pay a total of \$8,000 USD to be smuggled to Houston. E.S.A. stated that once he crossed into the United States, he walked in the brush until he got to 57 (US Highway 57.) E.S.A. stated that there were 10 people in the group, including the guide. E.S.A. stated that the guide made a phone call to an individual who sent vehicles to pick them up. E.S.A. stated that a black and red car came to pick them up. E.S.A. stated that when the cars arrived, the black car had one person in it, and the red car had two people. E.S.A. stated that the group split up into the two cars with 5 people in each. E.S.A. stated he got into the black car. E.S.A. stated that after a short period of time they left the pick-up location and the two vehicles pulled over and took out the guides from each vehicle and beat them. E.S.A. stated that he saw the 3 people who came in the two cars get out and beat the two guides before getting back into their cars. E.S.A. stated that the two vehicles then left, leaving the two guides on the side of the road. E.S.A. stated that they were brought to a house in Houston, and all the

smugglers who were present had guns. E.S.A. stated that they were then picked up by a vehicle and taken to a hotel where he was able to escape and ask for help at a nearby restaurant.


B.S.A., a material witness who is a citizen of Honduras, was read his Miranda Rights by HSI SAs Lundquist and Brem. B.S.A. stated that he was willing to make a statement without a lawyer present. B.S.A. stated that he left Honduras on August 7, 2022, and crossed into the United States near Eagle Pass, Tx approximately 4-5 days ago. B.S.A. stated that he was going to pay a total of \$8,000 USD to be smuggled to Houston. B.S.A. stated that he walked in the brush until he was picked up by vehicle. B.S.A. stated that there were 10 people in the group, including two guides. B.S.A. stated that two cars arrived at the pick-up location, one red and the other black, and that he got into the red car. B.S.A. stated that after they departed the pick-up location, approximately 15 minutes later, the two cars stopped to let the guides out. B.S.A. stated that on their way back to Houston, they were shot at. B.S.A. stated the first shot broke the back window, which caused glass to fall on top of him. B.S.A. stated that he then crouched down and that is when he heard someone in the trunk say he was hit. During the shooting, B.S.A. suffered a gunshot wound to his leg. B.S.A. stated that they were then taken to an apartment in Houston where there was a bunch of smugglers who were all using drugs and had guns. B.S.A. stated that at approximately 8:30 a.m. they were taken to a hotel and then another apartment. B.S.A. stated that he was asked by the smugglers if he had a cellphone on him and that if he did, he was told the smugglers would put a gun in his face and that "it wouldn't be good." B.S.A. stated at some point, the vehicle pulled into a gas station where he was able to escape and ask for help. B.S.A. stated that police arrived at the gas station and were able to get him treated for his gunshot wound.

AUSA Michael Day was notified of these facts and agreed to prosecute Jonathan MELENDEZ-Merino, Cristian MENCINAS-Padilla, Cesar MONGE-Milla, and Oscar MELENDEZ-Sosa for violations of Title 8 USC 1324, Alien Smuggling.



Mitchell Lundquist
Homeland Security Investigations
Special Agent

Submitted by reliable electronic means
sworn to, signature attested telephonically
per Fed.R.Crim.P.4.1, and probable cause
found on the 4th day of November 2022.



Dena H. Palermo
United States Magistrate Judge